

INTERROGATORY NO. 11. Did you know the any Alsup's employee, prior to your arrival there on March 19, 2013? If so, please explain by describing how you know the person and the person from the stop you were assisting the New Mexico State Police with?

ANSWER: Officer Pacheco is on emergency medical leave and will supplement his answer within 30 days of December 9, 2014.

INTERROGATORY NO. 12. What are the names and agencies of all other law enforcement personnel who were present at the Alsup's on March 19, 2013 during the incident giving rise to this lawsuit?

ANSWER: See Uniform Incident Report No. 13-03-148, attached as Defendant's answer to Interrogatory No. 8. Officer Pacheco is on emergency medical leave and will, if warranted, supplement his answer within 30 days of December 9, 2014.

DEFENDANTS' RESPONSES TO PLAINTIFFS' FIRST SET OF REQUESTS FOR PRODUCTION FOR DEFENDANTS CITY OF ESPANOLA AND DANNY PACHECO

REQUEST NO. 1: Please produce all documents and other evidence relating to any of the Interrogatories that are included in this document and all documents relating to any of the answers that are to be provided.

RESPONSE: See Defendants' answer to Interrogatory No.1, Defendant Officer Pacheco's answer to Interrogatory Nos. 2 and 8, and response to Request for Production No. 3.

REQUEST NO. 2: Please produce copies of every Espanola Police Department standard operating procedure, rule, order, instruction, manual provision, guideline, or other directive or standard that was in effect in March of 2013 either as policy or used for training purposes.

RESPONSE: See Espanola Police Department Directives attached as Defendants' answer to Interrogatory No.1 and City of Espanola and The Police Officers Union AFSCME Local #923 Contract, attached hereto.

REQUEST NO. 3: Please produce copies of all documents and all other evidence seized relating to the incident that took place on March 19, 2013 and gave rise to this lawsuit.

RESPONSE: See Uniform Incident Report No. 13-03-148, attached as Defendant Pacheco's answer to Interrogatory No. 8, Espanola Police Department Receipt, attached hereto, and Plaintiff's 911 call and police recording, which is already in Plaintiff's possession and produced by Plaintiff in his initial disclosures.

REQUEST NO. 4: Please produce copies of all documents (including without limitation memoranda, e-mail, notes, and letters) that the City of Espanola its employees, and/or agents created during or as a result of the incident that gave rise to this lawsuit. If any document is withheld, and in addition to whatever information may be contained in any privilege log provided or intended to be provided, state with specificity upon what basis the document is withheld, disclose the date the document was created and by whom, state who is presently the custodian of the document, and finally, provide a sufficiently detailed description of the document such that counsel may understand the general nature of the character and contents of any and all documents

withheld and the objection to production thereto.

RESPONSE: See Uniform Incident Report No. 13-03-148, attached as Defendant Pacheco's answer to Interrogatory No. 8, Defendants' response to Request for Production No. 3, and the Arrest Report, attached hereto. Defendants are still researching this Request. If there are any additional documents responsive to this request, Defendants will supplement their response.

REQUEST NO. 5: Please produce copies of all documents relating to Defendant Pacheco's employment in any law enforcement agency, including but not limited to any evaluations, performance reports, training, complaints, grievances and disciplinary action.

RESPONSE: Objection. Defendants do not have documents from any prior employment of Officer Pacheco except those that may be contained in his EPD personnel file, a copy of which is attached as Defendant Pacheco's answer to Interrogatory No.2.

REQUEST NO. 6: Please produce copies of all documents relating to complaints or grievances accusing EPD or one of its employees of excessive force from March 1, 2009 to the current date.

RESPONSE: Objection. Plaintiff's request is overly broad, irrelevant, violates employees right to confidentiality in their personnel file and personnel matters, and is not calculated to lead to admissible evidence.

REQUEST NO. 7: Please produce all taser logs, taser reports, and/or taser printouts related to each instance in which a taser has been deployed in the line of duty by Officer Pacheco

during his time as an officer at EPD.

RESPONSE: Objection. This request is irrelevant and not calculated to lead to admissible evidence. Without waiving this objection, see Uniform Incident Report No. 13-03-148, attached as Defendant Pacheco's answer to Interrogatory No. 8 and Espanola Police Department Receipt, attached as Defendant Pacheco's answer to Interrogatory No. 3. This request is still being researched. If there are any additional documents responsive to this request, Defendant will supplement its Response.

REQUEST NO. 8: Please produce all taser logs, taser reports, and/or taser printouts related to each instance in which a taser has been deployed in the line of duty for all EPD employees from Jan 1, 2010 up to the current date.

RESPONSE: Objection. Plaintiff's request is unduly burdensome, irrelevant and not calculated to lead to admissible evidence. Without waiving this objection, see Uniform Incident Report No. 13-03-148, attached as Defendant Pacheco's answer to Interrogatory No. 8 and Espanola Police Department Receipt, attached as Defendant Pacheco's answer to Interrogatory No. 3; also, Defendants are still researching this Request. If there are any additional documents responsive to this request, Defendants will supplement their response.

REQUEST NO. 9: Please produce all documents, including the taser reports, taser logs, and/or taser printouts from the taser that was used to tase plaintiff during the incident that took place on March 19, 2013, from March 1, 2009 until March 13, 2013. The taser report is the log that the Taser itself produces and logs to record its usage. If this cannot be produced please produce the

actual Taser for inspection by and expert.

RESPONSE: Objection. This request is irrelevant and not calculated to lead to admissible evidence. Without waiving this objection, see Uniform Incident Report No. 13-03-148, attached as Defendant Pacheco's answer to Interrogatory No. 8 and Espanola Police Department Receipt, attached as Defendant Pacheco's answer to Interrogatory No. 3. This request is still being researched. If there are any additional documents responsive to this request, Defendant will supplement its Response.

REQUEST NO. 10: Please produce all documents reflecting any and all policies, procedures, or practices regarding hiring at EPD, in effect between January 1, 2010 and the present date, including any changes to such policies, procedures, or practices, whether formal or informal, and any investigation of such policies, procedures, or practices.

RESPONSE: See EPD Directives, attached as Defendants' answer to Interrogatory No. 1 and City of Espanola and The Police Officers Union AFSCME Local #923 Contract, attached as Defendants' response to RFP No. 2.

REQUEST NO. 11: Please produce all documents, maps, and/or diagrams that reflect any information about cameras and other recording devices and their use in the field by EPD.

RESPONSE: Objection. Plaintiff's request is irrelevant and not calculated to lead to admissible evidence. Without waiving this objection, Defendant is researching this Interrogatory and will supplement its answer as applicable.

REQUEST NO. 12: Please provide all documents, certifications, awards, or proof of advancements, related to combat training, mixed martial arts, martial arts, hand-to-hand combat, or otherwise that is in the possession of Officer Danny Pacheco.

RESPONSE: See personnel file of Officer Danny Pacheco, a copy of which is attached as Officer Pacheco's Answer to Interrogatory No. 2. This request is still being researched by Officer Pacheco who is out on emergency medical leave. If he has any additional documents responsive to this request, this response will be supplemented within 30 days of December 9, 2014.

REQUEST NO. 13: Please sign and return the employment release.

RESPONSE: Objection. Officer Pacheco objects to the form of employment release provided by Plaintiff. At this time Officer Pacheco is out on emergency medical leave and cannot be reached but will provide a signed employment release within 30 days of December 9, 2014.

Respectfully submitted,

BASHAM & BASHAM, P.C.

By: 

Mark A. Basham
Attorneys for Defendants City of Espanola
2205 Miguel Chavez Road, Suite A
Santa Fe, NM 87505
T: (505) 988-4575
mbasham@bbpcnm.com